BILL NO. Z-70-04-31

ZONING MAP ORDINANCE NO. Z-119-70

AN ORDINANCE amending the City of Fort Wayne Zoning Maps Nos. A-17, A-19, B-17 and B-19 by locating an Interchange Access Symbol thereon.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. An Interchange Access (I-A) District Symbol is hereby located at the intersection of U. S. Highway No. 27 and Washington Center Road under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereto and by General Ordinance No. G-21-65; and the City of Fort Wayne Zoning Maps Nos. A-17, A-19, B-17 and B-19, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly.

SECTION 2. This Ordinance shall be effective from and after its passage, approval by the Mayor, and legal publication thereof.

Jack R. Dunifon

APPROVED AS TO FORM
AND LEGALITY,

CITY ATTORNEY

Read the first time in full and on motion by Dunifon seconded by Rousseau and duly adopted, read the second time by title and referred to the (Committee on) Regulations (and to the City Plan Commission for recommendation) (~~and Public Hearing to be held after due legal notice~~, at the Council Chambers, City Hall, Fort Wayne, Indiana, on _____ the _____ day of _____ 196____, at _____ o'clock P.M., E.S.T.

Date: 4-28-70 Fred G. Bonahoom
City Clerk

Read the third time in full and on motion by Dunifon seconded by Robinson and duly adopted, placed on its passage.

Passed (~~LOST~~) by the following vote:

AYES	NAYS	ABSTAINED	ABSENT
7	1	1	____

Adams	✓			
Dunifon	✓			
Fay	✓		✓	
Geake	✓			
Nuckols	✓			
Robinson	✓			
Rousseau	✓			
Steigerwald	✓			
Tipton	✓			

Date Sept 8, 1970 Fred G. Bonahoom
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (~~General~~) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (~~Resolution~~) No. Z-119-70 on the 8th day of September, 1970.

ATTEST: (SEAL)

Fred G. Bonahoom
City Clerk

Herbert D. Stephan
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of September, 1970 at the hour of 8:30 o'clock A.M., E.S.T.

Fred G. Bonahoom
City Clerk

Approved and signed by me this 10th day of Sept., 1970, at the hour of 9:16 o'clock A.M., E.S.T.

Harold S. Zeis
Mayor

Bill No. Z-70-04-31

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Maps Nos. A-17, A-19, B-17 and B-19 by locating an Interchange Access Symbol thereon.

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

JACK K. DUNIFON, Chairman

EDWIN J. ROUSSEAU, Vice-Chairman

THOMAS G. ADAMS

WILLIAM K. GEAKE

PHIL A. STRIGERWALD

CONCURRED IN

DATE 9-8-70 FUAD G. BONAHOOM, CITY CLERK

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 28, 1970, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-70-04-31; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 18, 1970;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 24, 1970.

Certified and signed this 25th day of August 1970.

Mary Ann Haynie
Secretary

RECEIPT

GENERAL FUND

No. 3

FT. WAYNE, IND., April 6, 1920

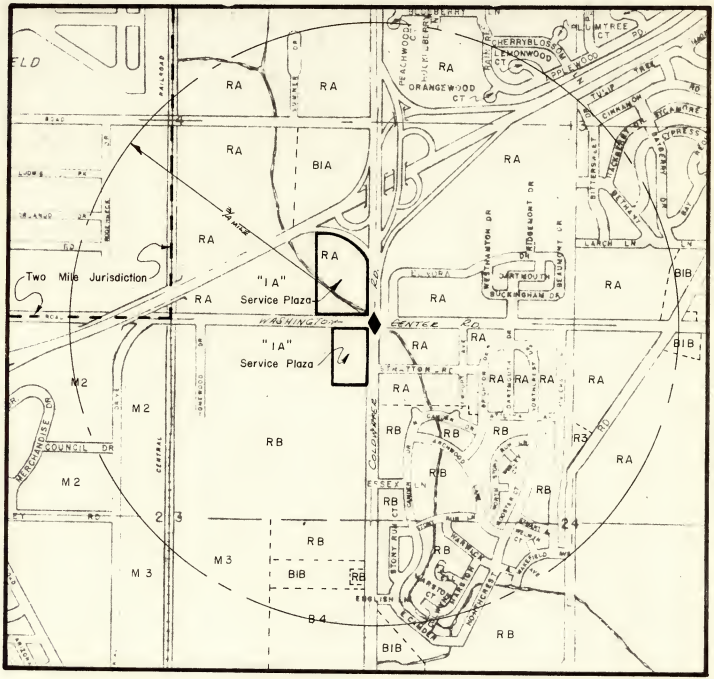
RECEIVED FROM N. B Knapke Co $ 25.00/100

THE SUM OF Twenty-five and 00/100 DOLLARS

ON ACCOUNT OF Rezone Pet. Lots 10 to 17.
Washington Place Addition

Patricia L. Card

AUTHORIZED SIGNATURE



TO ESTABLISH A IA SYMBOL

Z-70-04-31

BOOK PAGE A17, A19, B17, B19

4-9-70

STREET DEDICATION

THIS INDENTURE WITNESSETH, that NICHOLAS P. COZMAS and SELMA N. COZMAS, husband and wife and each over the age of twenty-one (21) years, of Allen County, State of Indiana, do hereby, in co-sideration of One ($1.00) Dollar, and other good and valuable consideration, dedicate to the CITY OF FORT WAYNE and to the public for street, sidewalk and utility purposes, the following described real estate, to-wit:

Part of Lot No. 37, Gardendale Addition, to the City of Fort Wayne, Indiana, more particularly described as follows:
Beginning at the southeast corner of Section 25, Township 30 North, Range 12 East; thence north along the east line of said Section 25, a distance of 150.1 feet; thence west, a distance of 50.0 feet; thence south and parallel to said east line of Section 25, a distance of 82.28 feet; thence in a southeasterly direction, a distance of 91.0 feet, to a point on the west line of said Lot No. 37; thence south along said west line and the west line projected, a distance of 53.0 feet, to a point on the south line of Section 25; thence east along said south line, a distance of 140.0 feet, to the point of beginning.
The purpose of this dedication is to provide additional right of way for Tillman Road and Anthony Boulevard along Lot No. 37 and to clarify previous uncertain right of way.

IN WITNESS WHEREOF, the said NICHOLAS P. COZMAS and SELMA N. COZMAS, husband and wife, have hereunto set their hands and seals, this 21st day of August, 1970.

APPROVED BY THE
CITY PLAN COMMISSION
AUGUST 31, 1970

Nicholas P. Cozmas
NICHOLAS P. COZMAS

Selma N. Cozmas
SELMA N. COZMAS

ACKNOWLEDGEMENT

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State this 21st day of August, 1970 personally appeared the within named NICHOLAS P. COZMAS and SELMA N. COZMAS, husband and wife, Grantors in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed, for the uses and purposes herein mentioned.
IN WITNESS WHEREOF, I have hereunto set my name and affixed my official seal.

Joseph Christoff
JOSEPH CHRISTOFF Notary Public

My Commission Expires:

MARCH 12, 1971

Prepared by Roger W. Hultquist, Attorney at Law and member of Allen County Bar Association

STREET DEDICATION

THIS INDENTURE WITNESSETH, that GEORGE BELLIO and TRINKA BELLIO, husband and wife and each over the age of twenty-one (21) years, of Allen County, State of Indiana, do hereby, in consideration of One ($1.00) Dollar, and other good valuable consideration, dedicate to the CITY OF FORT WAYNE and to the public for street, sidewalk and utility purposes, the following described real estate, to-wit:

Part of Lot No. 37 Gardendale Addition, to the City of Fort Wayne, Indiana, more particularly described as follows:
Beginning at a point on the east line of Section 25, Township 30 north, Range 12 east, said point being 194.5 feet north of the southeast corner of said Section 25, thence west, a distance of 50.0 feet; thence south and parallel to said east line of Section 25, a distance of 44.4 feet; thence east, a distance of 50.0 feet, to a point on said east line of Section 25; thence north along said east line, a distance of 44.4 feet, to the point of beginning.
The purpose of this dedication is to clarify previous uncertain right of way.

IN WITNESS WHEREOF, the said GEORGE BELLIO and TRINKA BELLIO, husband and wife, have hereunto set their hands and seals this 21st day of August, 1970.

APPROVED BY
CITY PLAN COMMISSION
AUGUST 31, 1970

George Bellio
GEORGE BELLIO

Trinka Bellio
TRINKA BELLIO

ACKNOWLEDGEMENT

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State, this 21st day of August, 1970, personally appeared the within named GEORGE BELLIO and TRINKA BELLIO, husband and wife, Grantors in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed, for the uses and purposes herein mentioned.
IN WITNESS WHEREOF, I have hereunto set my name and affixed my official seal.

Joseph Christoff
JOSEPH CHRISTOFF, Notary Public

My Commission Expires:

MARCH 12, 1971

Prepared by Roger W. Hultquist, Attorney at Law and member of Allen County Bar Association.

STREET DEDICATION

THIS INDENTURE WITNESSETH, that GEORGE BELLIO and TRINKA BELLIO, husband and wife and each over the age of twenty-one (21) years, of Allen County, State of Indiana, do hereby, in consideration of One ($1.00) Dollar, and other good and valuable consideration, dedicate to the CITY OF FORT WAYNE and to the public for street, sidewalk and utility purposes, the following described real estate, to-wit:

> Part of Lot No. 38 Gardendale Addition, to the City of Fort Wayne, Indiana, more particularly described as follows:
> Beginning at a point on the south line of Section 25, Township 30 north, Range 12 east, said point being 140.0 feet west of the southeast corner of said Section 25; thence north, a distance of 53.0 feet, to a point on the east line of said Lot No. 37; thence in a southwesterly direction, a distance of 140.5 feet, to a point on the west line of said Lot No. 38; thence south along said west line and the west line projected a distance of 40 feet to a point on said south line of Section 25; thence east along said south line, a distance of 140 feet, to the point of beginning.
> The purpose of this dedication is to provide additional right of way for Tillman Road along Lot No. 38 and to clarify previous uncertain right of way.

IN WITNESS WHEREOF, the said GEORGE BELLIO and TRINKA BELLIO, husband and wife, have hereunto set their hands and seals, this 21st day of AUGUST, 1970.

APPROVED BY
CITY PLAN COMMISSION
AUGUST 31, 1970

George Bellio
GEORGE BELLIO

Trinka Bellio
TRINKA BELLIO

ACKNOWLEDGEMENT

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State this 21st day of AUGUST, 1970, personally appeared the within named GEORGE BELLIO and TRINKA BELLIO, husband and wife, Grantors in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed, for the uses and purposes herein mentioned.
IN WITNESS WHEREOF, I have hereunto set my name and affixed my official seal.

My Commission Expires:

MARCH 12, 1971

Joseph Christof
Notary Public
JOSEPH CHRISTOFF

Prepared by Roger W. Hultquist, Attorney at Law and member of Allen County Bar Association.

THIS FORM HAS BEEN APPROVED BY THE INDIANA STATE BAR ASSOCIATION FOR USE BY LAWYERS ONLY. THE SELECTION OF A FORM OF INSTRUMENT, FILLING IN BLANK SPACES, STRIKING OUT PROVISIONS AND INSERTION OF SPECIAL CLAUSES, CONSTITUTES THE PRACTICE OF LAW AND SHOULD BE DONE BY A LAWYER.

WARRANTY DEED

This Indenture witnesseth that ARTHUR D. KAPP, SR., and RUTH B. KAPP, husband and wife, each over the age of twenty-one (21) years

of Allen *County in the State of* Indiana

Conveys and warrants to GEORGE BELLIO and TRINKA BELLIO, husband and wife

of Allen *County in the State of* Indiana

for and in consideration of One Dollar and other valuable consideration *the receipt whereof is hereby acknowledged, the following Real Estate in* Allen *County in the State of Indiana, to wit:*

Lot 36 and the North 44½ feet of Lot Numbered 37 in Gardendale Addition to the City of Fort Wayne, Allen County, Indiana (commonly known as 7320 South Anthony)

Subject to any and all real estate taxes presently due upon the described real estate, which the Grantees herein assume and agree to pay.

Subject further to all protective covenants, restrictions, easements, assessments and public roads of record.

State of Indiana, Allen **County, ss:**

Before me, the undersigned, a Notary Public in and for said County and State, this 21st *day of* July *19* 70 *personally appeared:*

Arthur D. Kapp, Sr. and Ruth B. Kapp, husband and wife, each over the age of twenty-one (21) years

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires NOVEMBER 10 *19* 70

WILLIAM A. BERNING *Notary Public*

Dated this 21st **Day of** July **19** 70

Arthur D. Kapp Sr. *Seal*
ARTHUR D. KAPP, SR.

Ruth B. Kapp *Seal*
RUTH B. KAPP

Seal

Seal

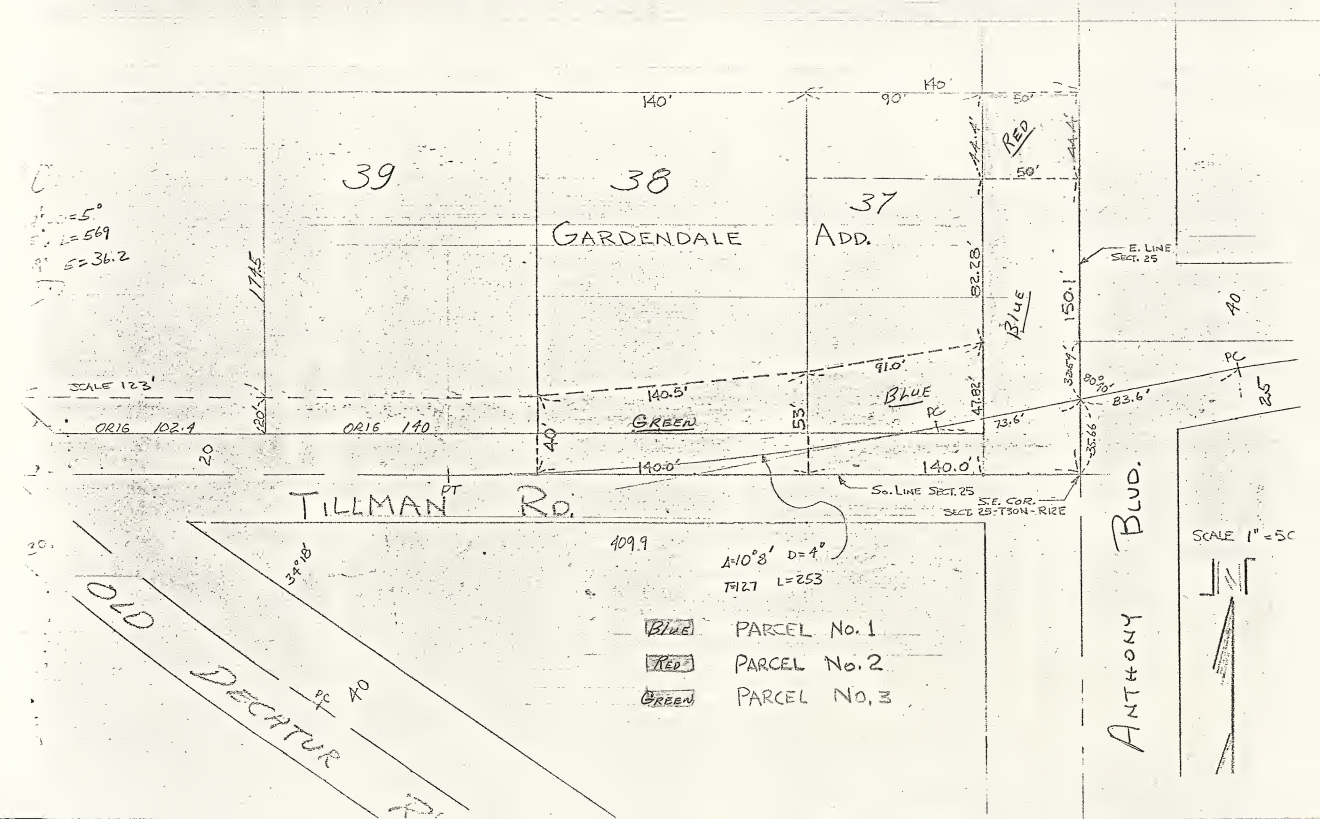
Seal

Seal

This instrument was prepared by WILLIAM A. BERNING *Member of* Allen County *Indiana Bar Association*

MAIL TO:

COPYRIGHT ALLEN COUNTY INDIANA BAR ASSOCIATION, 1957
Craft-Line Printing, Inc., Fort Wayne, Indiana



39
38
37
GARDENDALE ADD.
140'
90'
140'
50'
50'
44.4'
44.4'
RED
BLUE
BLUE
GREEN
E. LINE SECT. 25
82.28'
150.1'
174.5
40
25
SCALE 123'
ORIG 102.4
ORIG 140
20
20'
40'
53'
140.5'
140.0'
140.0'
91.0'
47.82'
73.6'
83.6'
80°40'
32.54'
35.66'
PC
PC
PT
So. LINE SECT. 25
S.E. COR. SECT. 25-T30N-R12E
TILLMAN RD.
409.9
Δ=10°8' D=4°
T=127 L=253
34°18'
OLD DECATUR
PC
40
ANTHONY BLVD.
SCALE 1" = 50
BLUE PARCEL No. 1
RED PARCEL No. 2
GREEN PARCEL No. 3

PETITION TO REZONE

We, the undersigned, being the owners of more than fifty-one per cent (51%) of the real estate hereinafter described, do hereby respectfully petition the Common Council of the City of Fort Wayne, Indiana, to enact an Ordinance to establish an I-A Interchange Access Symbol at the intersection of U. S. Highway 27 and Washington Center Road, ~~including the following described real estate, to-wit:~~

~~Lots numbered 10 to 15 inclusive, of Washington Place Addition, Section A, to the City of Fort Wayne, Indiana, according to the plat thereof recorded in the office of the Recorder of Allen County, Indiana, and located in Section 24, Township 31 North, Range 12 East of Allen County, Indiana.~~ HWS

Subject property is shown on page B-17 of the zoning book of the City of Fort Wayne, Indiana.

Dated this _____ day of _____, 1970.

Lot 10

Eugene A. Yergens

Jeanne C. Yergens

Lot 11

Darrell Johnson

Bernlece Johnson

Lot 12

Lewis V. Heck

Margaret M. Heck

Lot 13

Robert V. Haverfield

Grace E. Haverfield

Lot 14

Clarence Trester

Mildred R. Trester

Lot 15

Everett E. Keenon

Josephine M. Keenon

Lot 16

Lloyd H. Mains

Lloyd H. Mains

Gwendolyn M. Mains

Gwendolyn M. Mains

Lot 17

Leona M. Grubb

Leona M. Grubb

ADAIR, PERRY, BEERS, McALISTER & MALLERS
ATTORNEYS
1700 LINCOLN TOWER
FORT WAYNE, INDIANA 46802
TELEPHONE 743-9706

E. ROSS ADAIR
MEMBER OF CONGRESS
RAMON S. PERRY
ORVAL E. BEERS
DALTON C. McALISTER
GEORGE P. MALLERS
HARRY W. SCOTT
PHILIP H. LARMORE
STEPHEN W. ADAIR

December 16, 1968

Fort Wayne City Plan Commission
425 South Calhoun
Fort Wayne, Indiana 46802

Attention: Mr. William Jones
Director

Re: Final Plan of Washtington Center Road
and U S. #27

Dear Mr. Jones:

Pursuant to your request of our clients, Mr. & Mrs. Eugene Yergens, I forward with this letter the original executed and notarized Dedication of Right-of-Way to be held in your files pending the final disposition of the rezoning and use of the southeast corner of Washington Center Road and U.S. #27.

Per our agreement, you are to hold the Dedication of Right-of-Way and record it only upon my instructions which will be given after final disposition of the pending lawsuit in the above matter.

If our clients are successful in the said lawsuit, and the final plans are approved, the Dedication of Right-of-Way should be recorded. If, for any reason, our clients are not able to effectively use the I-A symbol, you will return the Dedication to me.

Thank you for your cooperation.

Very truly yours,

ADAIR, PERRY, BEERS, MC ALISTER & MALLERS

Harry W. Scott

HWS:rep

I hereby have accepted the above mentioned Dedication of Right-of-Way subject to the terms herein.

William Jones, Director
Fort Wayne City Plan Commission

DEDICATION OF RIGHT-OF-WAY

* * * * * * * * * * * * * * * * *

KNOW ALL MEN BY THESE PRESENTS that Eugene Arthur Yergens and Jeanne Clare Yergens, his wife, each over the age of twenty-one (21) years, of Allen County, in the State of Indiana, do hereby grant and convey a right-of-way for a public road through the following-described real estate:

> Lot 10, Section "A", Washington Center Place Addition, according to the Plat thereof, recorded in Plat Record 15, page 97-98, re-recorded in Plat Record 15, page 145, in the office of the Recorder of said County, except that part thereof appropriated for highway purposes under Allen Superior Court No. 3 Cause 4898 and Cause 5082.

Said right-of-way being more particularly described as follows:

North Twenty (20) feet of the above described real estate, to the City of Fort Wayne, Allen County, Indiana, for street purposes and the use of the public as a public way and public road.

Dated this 12th day of December, 1968.

Eugene Arthur Yergens
EUGENE ARTHUR YERGENS

Jeanne Clare Yergens
JEANNE CLARE YERGENS

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public in and for Allen County, Indiana, this 12th day of December, 1968, personally appeared Eugene Arthur Yergens and Jeanne Clare Yergens, husband and wife, each over the age of twenty-one (21) years, and acknowledged the execution of the foregoing Dedication of Right-of-Way. IN WITNESS THEREOF, I have hereunto subscribed my name and affixed my notarial seal.

My Commission Expires: November 2, 1972. Hilda A. Diring
Notary Public

In the Matter of Petition to Rezone Z-70-0431

MEMORANDUM

A question has been raised as to whether or not the Petition to Establish an I-A Symbol at the intersection of Washington Center Road and U. S. Highway 27 is timely. The applicable statute governing the "procedure in amending, supplementing and changing" zoning ordinances states as follows:

> Failure of the City Council or the Board of County Commissioners to pass such proposed ordinance by said affirmative vote within ninety (90) days after its rejection by the Plan Commission shall constitute rejection of the proposed ordinance and it shall not be reconsidered by the Planning Commission, City Council or County Commissioners until the expiration of one (1) year after the date or its original rejection by the Plan Commission. Acts 1947 Chap. 174 Sec. 64 page 571; 1961 Chap. 133 Sec. 1, page 288. Burns Ind. Stats. Ann. 53-765.

The statute unequivocally bars resubmission of a proposed change of a zoning ordinance for one (1) year after the date of the original rejection of the change by the Plan Commission.

The Plan Commission rejected the change by resolution on March 25, 1968; two (2) years prior to the present consideration.

The legislature adopted the above quoted amendment in 1961. If the legislature had intended that the one (1) year bar commenced with the date of rejection by the City Council or by the rendering of a decision by a court, the legislature would not have used the words "the original rejection by the Plan Commission." The entire paragraph read in context with the remainder of the amending procedure statute was clearly intended to prevent the City Council from not acting on an amendment, thereby not permitting a petitioner to resubmit the amendment to the Plan Commission's recommendations. The second sentence read in context with the first sentence of the above-mentioned paragraph establishes a definite period of time a petitioner must wait before resubmitting an amendment.

For the above reason, we submit that the one (1) year bar on resubmitting petitions for amendment to zoning ordinances commences from the date of the original rejection by the Plan Commission.

Harry W. Scott

STAFF REPORT TO PLAN COMMISSION ON
BILL NO. Z-70-04-31 SOUTHEAST CORNER OF U. S. #27
AND WASHINGTON CENTER ROAD

At the regular meeting of the City Plan Commission on May 25, 1970, the above ordinance was returned to the Staff for further Staff study and recommendation. Since that time, Mr. Neu and myself have discussed this matter on several occasions. Following these discussions, Mr. Neu and myself still have a difference of opinion as to whether this ordinance should or should not pass. As a result we are jointly submitting our individual recommendations to the Commission for your review:

Mr. Neu recommends that the ordinance DO NOT PASS for the following reasons:

1. *Two development plans as interchange access plazas have been approved immediately west of this petitioned service plaza area. With these two service plazas and the large shopping complex to the south, there should be more than adequate facilities in this area.*

2. *A service plaza would impede the flow of traffic on Washington Center Road which is designated as a portion of the proposed Perimeter Parkway.*

3. *A service plaza would not only depreciate adjacent residential property values, but would cause the residents of Stratton Road to have to traverse adjacent to the service plaza to leave or reach their homes.*

4. *There has been no general change in the area nor in the intended uses to convince the Plan Commission that they made a mistake in recommending DO NOT PASS five (5) previous times.*

5. *This change, if granted, would be beneficial only to the petitioners while conflicting with the proposed Land Use Plan.*

6. *The present commercial zoning on the west side of U. S. #27 is a good place to provide a buffer for zoning.*

Mr. Jones recommends that the ordinance DO PASS for the following reasons:

1. *At the present time the front of the nine (9) lots face U. S. #27 and an existing commercial center; consequently, there are nine (9) residential uses subjected to a front exposure of commercial use. In the event this property would be rezoned the result would be three (3) residential lots subjected to a side exposure and only one (1) to a front exposure. Consequently, it appears that less adjacent residential lots would be directly affected and, therefore, this would be the proper place to terminate the commercial zone.*

2. *A majority of the people in this subdivision, by their own previous action, indicated that they do not object to commercial uses on these lots. A majority of the people in this subdivision did*

sign a waiver of the restrictive covenants, thereby allowing the commercial use of these lots under the terms of the plat restrictions.

3. An interchange access facility on the east side of U. S. #27 near the interchange of I-69 would be more convenient for the motorists proceeding north from Fort Wayne and entering I-69. This would avoid a series of left turns in using the two (2) service plazas on the west side of U. S. #27.

4. All of the improvements that would be made on public right-of-way as a result of the installation of the proposed commercial use would further provide for the safety and welfare of all citizens using this intersection. These improvements include enclosure of the ditch, widening of Washington Center Road, fencing and landscaping of the site in question.

5. There would be no more conflict in this instance with the Master Plan than there was when the Plan Commission recommended the other two (2) Interchange Access Districts on the west side of U.S. #27.

6. The proposed use of this property for commercial purposes does not conflict with the General Plan since the streets are adequate, water service is available, sewer lines are adjacent, there are no schools or parks near this site, there is adequate fire protection and since this is a proposed Interchange Access District, there is no conflict with the Shopping Center Plan.

Since the Staff could not agree on a joint recommendation, we are submitting both opinions to the members of the Plan Commission for their review and decision.

William J. Jones, Planning Director

T. L. (Bud) Neu, Assistant Plan Director

CITY PLAN COMMISSION
425 South Calhoun Street
Fort Wayne, Indiana

May 6, 1970

NOTICE OF PUBLIC HEARING ON ZONING AMENDMENT

You are hereby notifed that the City Plan Commission will conduct a public hearing at 7:00 p.m. EDT, in the Council Chambers, City Hall, on May 18, 1970, on a proposed amendment to the Zoning Ordinance of the City of Fort Wayne, Indiana, which proposes to establish a third "IA" Symbol, INTERCHANGE ACCESS DISTRICT, at the intersection of Washington Center Road and Coldwater Road.

All interested persons are invited to appear and be heard. Any written material may be submitted to the Plan Commission Office five (5) days prior to the hearing.

Notice

I think the condition at Coldwater Road and Washington Center at I 69 is bad enough, without adding more to it People wanting to get out on Washington Center from Elnora Dr almost take their lives in their hand to enter or leave.

Mrs. Tillie Hautek 730 Elnora Dr Ind

50 signatures of property owners

May 11, 1970

50

City Plan Commission
425 S. Calhoun
Fort Wayne, Indiana

Gentlemen,

The property owners whose names appear below protest the recently submitted ordinance which would establish an Interstate Access Symbol at the corner of Washington Center Road and U.S. 27.

The intent of this ordinance again is to cause a commercial encroachment of the fine residential neighborhood south and east of this intersection.

Establishing this IA symbol can not be justified if based on proper city planning standards as set forth by the many statements through the years of the American Society of Planning Officials and the Indiana Planning Act of 1947.

We insist that our Constitutional and Civil Rights be protected. We will not be relegated to the status of second class citizens to satisfy the seemingly insaitable appetite of a commercial developer. Justice is not served by penalizing many for the benefit of a few.

We respectfully request that the recommendation of the City Plan Commission on this petition to establish an IA Symbol be Do Not Pass.

Thank you

Robert Schram 515 E WASHINGTON CENTER Rd
Elizabeth Schram 515 E Washington Center Rd.
Helen M. Bastress 427 E. Wash. Ctr. Rd.
John R. May 609 E. Wash. Cntr. Rd.
Grace May 609 E. Wash. Cntr. Rd.
Merrill F. Steck 621 E. Wash. Ctr. Rd.
Rosella M. Steck 621 E. Wash. Ctr. Rd.
James P. Alspaugh 719 E. Wash. Ctr. Rd.
Pat Alspaugh 719 E Wash Ctr Rd.
Mrs Raymond Staley 727 E. Wash. Center Rd.
Nancy L. Pressley 418 Elnora Dr.
John F. Rickoff 422 Elnora Dr.
Carolyn J Rickoff 522 Elnora Dr.

13

May 11, 1970

City Plan Commission
425 S. Calhoun
Fort Wayne, Indiana

Gentlemen,

The property owners whose names appear below protest the recently submitted ordinance which would establish an Interstate Access Symbol at the corner of Washington Center Road and U.S. 27.

The intent of this ordinance again is to cause a commercial encroachment of the fine residential neighborhood south and east of this intersection.

Establishing this IA symbol can not be justified if based on proper city planning standards as set forth by the many statements through the years of the American Society of Planning Officials and the Indiana Planning Act of 1947.

We insist that our Constitutional and Civil Rights be protected. We will not be relegated to the status of second class citizens to satisfy the seemingly insaitable appetite of a commercial developer. Justice is not served by penalizing many for the benefit of a few.

We respectfully request that the recommendation of the City Plan Commission on this petition to establish an IA Symbol be Do Not Pass.

Thank you

John R Wilding 617 Stratton Rd
Helen L Wilding 617 Stratton Rd
Alison C Hartman 505 Stratton Rd
Charlene L Hartman 505 Stratton Rd.
Betty J Blackburn 515 Stratton Rd
Jerome P Blackburn 515 Stratton Rd
Mrs Fred M. Anderson 713 Stratton Rd
Fred M. Anderson " " "
Mr and Mrs Robert Hechowsky 729 Stratton Rd
Mr & Mrs R A Altehrune 719 Stratton Rd.
Robert L Schuelke 524 Stratton Road
Melva K. Schuelke 525 Stratton Road

May 11, 1970

City Plan Commission
425 S. Calhoun
Fort Wayne, Indiana

Gentlemen,

The property owners whose names appear below protest the recently submitted ordinance which would establish an Interstate Access Symbol at the corner of Washington Center Road and U.S. 27.

The intent of this ordinance again is to cause a commercial encroachment of the fine residential neighborhood south and east of this intersection.

Establishing this IA symbol can not be justified if based on proper city planning standards as set forth by the many statements through the years of the American Society of Planning Officials and the Indiana Planning Act of 1947.

We insist that our Constitutional and Civil Rights be protected. We will not be relegated to the status of second class citizens to satisfy the seemingly insatiable appetite of a commercial developer. Justice is not served by penalizing many for the benefit of a few.

We respectfully request that the recommendation of the City Plan Commission on this petition to establish an IA Symbol be Do Not Pass.

Thank you

Frances W. Knight	516 Stratton Rd. Ft. Wayne, Ind.
Patricia A. Knight	516 Stratton Rd " "
Janice L. Schmitz	506 Stratton Rd. " "
Allen J. Schmitz	506 Stratton Rd. " "
Judith A. Anderson	728 Stratton Rd.
Donald W. Anderson	728 Stratton Rd
Velma J. Cole	720 Stratton Rd
Joseph L. Cole	720 Stratton Rd
Charles E. Farmer Jr.	610 Stratton Rd.
Phyllis J. Farmer	610 Stratton Rd.
Morrison C. Bell	628 Stratton Rd
Barbara Bell	628 Stratton Rd.

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We respectfully request that the recommendation of the City Plan Commission on this petition to establish an IA Symbol be Do Not Pass.

Thank you

Stanley R Putman
Nella A. Putman
Betty A. Pond
John O Kurz 612 E. Wash. Center Rd.
Martha M. Kurtz 612 E. Wash. Center Rd
Carl C Schlatter 630 E. Washington Center Rd.

Anthony Barile	618 Stratton Rd
Jo Barile	618 Stratton Road
John W. Young	528 Stratton Rd.
Joanne Young	526 Stratton Rd.
Ruth E. Kubick	714 Stratton Rd.

ADAIR, PERRY, BEERS, McALISTER & MALLERS
ATTORNEYS
~~1900 LINCOLN TOWER~~ 2200 Fort Wayne Nat'l. Bk. Bldg.
FORT WAYNE, INDIANA 46802

E. ROSS ADAIR
MEMBER OF CONGRESS
RAMON S. PERRY
ORVAS E. BEERS
DALTON C. McALISTER
GEORGE P. MALLERS
HARRY W. SCOTT
PHILIP H. LARMORE
STEPHEN W. ADAIR

RICHARD W. GOSHORN
OF COUNSEL

TELEPHONE 743-9706
AREA CODE 219

August 25, 1970

Fort Wayne City Plan Commission
425 S. Calhoun Street
Fort Wayne, Indiana 46802

Fort Wayne City Council
City Hall
Fort Wayne, Indiana 46802

Re: Zoning Ordinance No. Z-70-04-31
Washington Center Road, U.S. 27
Interchange Access Symbol

Gentlemen:

On behalf of our clients, the property owners of the above-mentioned property, we hereby represent that the conditions established by the Plan Commission in granting an I-A symbol at the corner of Washington Center Road and U.S. Highway 27, shall be met.

The petitioners, property owners, have authorized us to assure the Plan Commission and the City Council that we will take the following steps to meet the requirements set down in the Do Pass recommendation:

1. The property owners, or their successors, shall replace the open ditch along Washington Center Road on the north side of the property with a culvert.

2. The property owners, or their successors, shall install screen planting along the east line of the subject properties.

3. A deed of dedication of 40 feet of right-of-way from the center line of Washington Center Road, together with a copy of this letter has been delivered to the Plan Commission, dedicating said right-of-way to the City of Fort Wayne, subject to the granting of the I-A symbol.

We trust this letter of compliance sufficiently meets your requirements.

Very truly yours,

ADAIR, PERRY, BEERS, McALISTER & MALLERS

Harry W. Scott
Attorneys For: (see attached)

Eugene A. Yergens
Jeanne C. Yergens
Darrel Johnson
Lewis V. Heck
Margaret M. Heck
Robert V. Haverfield
Grace B. Haverfield
Clarence Traster
Mildred Traster
Everett B. Keenan
Josephine M. Keenan
Lloyd H. Mains
Gwendolyn M. Mains, and
Lena M. Grubb

CC:

HWS:lg

MARATHON
MARATHON

MARATHON
MARATHON

MARATHON
MARATHON

#1

STANDARD
STANDARD

ONE WAY
COLDWATER

Form Prescribed by State Board of Accounts — General Form No. 99 P (Rev 1967)

Common Council -City of Ft.Wayne (Governmental Unit) — To NEWS-SENTINEL Dr.

Allen County, Ind. — FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display	Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines	
Head	number of lines	-
Body	number of lines	70
Tail	number of lines	1
	Total number of lines in notice	71

COMPUTION OF CHARGES

71 lines, columns wide equals equivalent lines at .288¢ cents per line	$ 20.45
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two)	
TOTAL AMOUNT OF CLAIM	$ 20.45

DATA FOR COMPUTING COST

Width of single column 11 ems — Size of type 5½ point

Number of insertions 2 — Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

A. M. Hostman

Date September 30, 1970 — Title Clerk

Notice is hereby given that on the 8th day of September, 1970, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session, did pass the following Zoning Map ordinance, to-wit:
Bill No. Z-70-04-01
ZONING MAP ORDINANCE NO. Z-119-70
AN ORDINANCE amending the City of Fort Wayne Zoning Maps Nos. A-17, A-19, B-17 and B-19 bylocating an Interchange Access Symbol thereon.
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:
SECTION 1. An Interchange Access (I-A) District Symbol is hereby located at the intersection of U. S. Highway No. 27 and Washington Center Road under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereto and by General Ordinance No. G-21-65; and the City of Fort Wayne's Zoning Maps Nos. A-17, A-19, B-17 and B-19, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly.
SECTION 2. This Ordinance shall be effective from and after its passage, approval by the Mayor, and legal publication thereof.
Jack K. Duntion, Councilman.
Read the third time in full and on motion by Dunlton seconded by Robinson and duly adopted, placed on its passage. Passed by the following vote:
Ayes: Seven. Duntion, Geake, Nickols, Robinson, Rousseau, Steigerwald, Tipton.
Nays: one, to wit: Councilman Adams.
Abstained, to-wit: Councilman Fay.
Date: 9-8-70.
Fuad G. Bonahoom, City Clerk.
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-119-70 on the 8th day of September, 1970.
ATTEST: (SEAL)
Fuad G. Bonahoom, City Clerk.
Herbert G. Tipton, Presiding Officer.
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of September, 1970 at the hour of 8:30 o'clock A.M., E.D.T.
Fuad G. Bonahoom, City Clerk.
Approved and signed by me this 10th day of September, 1970, at the hour of 9:16 o'clock A.M., E.D.T.
Harold S. Zeis, Mayor.
I, Fuad G. Bonahoom, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true, and complete copy of Zoning Map Ordinance No. Z-119-70 passed by the Common Council on the 8th day of September 1970, and that said Ordinance was duly signed, and approved by the Mayor on the 10th day of September, 1970 and now remains on file and on record in my office.
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 10th day of September, 1970.
Fuad G. Bonahoom, City Clerk.
SEAL.
9-19-24.

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned A. M. Hostman who, being duly sworn, says that She is Clerk of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city (town) of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

September 19, 1970
September 26, 1970

A. M. Hostman

Subscribed and sworn to before me this 30th day of September 19 70

Edith Stapleton
Notary Public

My commission expires March 8, 1974

Form Prescribed by State Board of Accounts — General Form No. 99 P (Rev. 1967)

Common Council - City of Ft. Wayne
(Governmental Unit)

Allen County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

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Ornella DeWald

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SECTION 2. This Ordinance shall be effective from and after its passage, approval by the Mayor, and legal publication thereof.
Jack K. Dunlon, Councilman.
Read the third time in full and on motion by Dunlon seconded by Robinson and duly adopted, placed on its passage. Passed by the following vote:
Ayes: Seven, Dunlon, Geake, Nickels, Robinson, Rousseau, Steigerwald, Tipton.
Nays: one, to wit: Councilman Adams.
Abstained, to-wit: Councilman Fay.
Date: 9-8-70.
Fuad G. Banahoom, City Clerk.
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-119-70 on the 8th day of September, 1970.
(SEAL)
Fuad G. Banahoom, City Clerk.
Herbert G. Tipton, Presiding Officer.
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Fuad G. Banahoom, City Clerk.
SEAL
9-19-26.

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
County }

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city (town) of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time(s), the dates of publication being as follows:

September 19, 1970
September 26, 1970

Ornella DeWald

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Edith Stapleton
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